

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD
FEBRUARY 16, 2005**

The Greensboro Planning Board met in regular session on Wednesday, February 16, 2005 at 2:00 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building. Board members present were Chair Patrick Downs, Stephen Marks, J.P. McIntyre, John Rhodes, Julius Koonce and Tim Bryson. Planning staff members present were Dick Hails, Planning Director, Alec MacIntosh, Steve Galanti, and Ricky Hurley.

Chair Downs called the meeting into session.

APPROVAL OF MINUTES OF THE JANUARY 19, 2005 JOINT MEETING WITH THE ZONING COMMISSION AND OF THE REGULAR MEETING.

Mr. Marks moved approval of the minutes of the January 19, 2005 joint meeting as corrected to show that J.P. McIntyre was not present, and the minutes of the regular meeting as submitted, seconded by Mr. Koonce. The Board voted 6-0 in favor of the motion. (Ayes: Downs, Marks, Bryson, Rhodes, McIntyre, Koonce. Nays: None.)

PUBLIC HEARINGS:

A. RESOLUTION CLOSING HICKS COURT FROM 115 FEET WEST OF SOUTH MENDENHALL STREET WESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 105 FEET. (CONTINUED)

Chair Downs stated that it is his understanding that the applicant has asked that this issue be continued.

Mr. McIntyre moved that this item be continued to the March meeting, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Downs, Koonce, McIntyre, Marks, Bryson and Rhodes. Nays: None.)

David Britton, 1114 W. McGee Street, stated that there are no zoning signs regarding this issue and he wondered if there are supposed to be some type of signs related to this matter.

Alec MacIntosh stated that signs are not placed on a street closing proposal. Letters are mailed out to owners of properties along the affected street.

Charles Hebert, 1118 W. Magee Street, stated that no one received a letter on Magee Street. He has asked all the neighbors if they received a letter and no one received one.

Chair Downs asked that staff send letters covering a larger area when this continued item comes back to the Board.

B. RESOLUTION CLOSING BLUFORD STREET FROM LAUREL STREET EASTWARD TO OBERMEYER STREET, A DISTANCE OF APPROXIMATELY 315 FEET. (RECOMMENDED)

Alec MacIntosh stated that this request was presented to the Planning Board on February 18, 2004 and recommended to City Council, but because of concerns regarding access to another privately owned lot in the area, the Council voted not to approve the closing. North Carolina A&T now owns

that lot and no privately owned property is dependant upon Bluford Street for ingress, egress and access. This street right-of-way was dedicated in 1905. This is another in the series of street closings in conjunction with North Carolina A&T's campus expansion. The street has an 8-inch sewer line and a 6-inch water line in it, over which 20-foot easements will be retained until these lines are no longer needed for public service. A site plan has been reviewed by the Technical Review Committee showing a circular turnaround at the Laurel Street end of Bluford Street. That turnaround will be a private street maintained by NCA&T. The closing petition has been signed by NCA&T, which owns 100% of the abutting property, and the street is not needed for general traffic circulation. The TRC feels that the City can make the two required determinations for a street closing here: (1) that the closing is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommends this street closing.

There being no one to speak in favor or in opposition to the request, Chair Downs closed the public hearing.

Mr. Rhodes moved to recommend this request to City Council, seconded by Mr. Bryson. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Marks, Koonce, Bryson and Rhodes. Nays: None.)

PRELIMINARY PLAT:

LINNANE CONSTRUCTION CO. AT SOUTHWEST CORNER OF PEAR STREET AND ARDMORE DRIVE – 4 LOTS – APPEAL OF TRC DISAPPROVAL FOR FAILURE TO SHOW REQUIRED SIDEWALK CONSTRUCTION. (DENIED)

Steve Galanti stated that this subdivision contains .753 acres and proposes 4 single family lots. Section 30-6-13.5 (A) (1) (c) of the Development Ordinance requires sidewalks to be installed along one side of new and existing local streets which are within or abut a subdivision. There is existing sidewalk along the subdivision's Pear Street frontage but not along its Ardmore Drive frontage. Section 30-6-13.5 (A)(2) does not require installation of sidewalks if GDOT determines that all of the following conditions exist: a) the proposed development is within an area consisting predominantly of existing single-family residential development, where no sidewalks are present; b) the character and size of the proposed development will not result in substantial additional pedestrian facility needs; and c) there are no new pedestrian facilities planned that would provide a pedestrian connection to the proposed development. GDOT'S review has determined that this site did not meet a) since there is existing sidewalk along Pear Street, did not meet b) since the additional single family dwellings would result in additional pedestrian activity, and did not meet c) since GDOT currently plans to install sidewalks along Ardmore Drive due to it being located within a transit corridor with several bus stops located close to this subdivision. The applicant requested a modification from the TRC so as not to require the sidewalk. The Development Ordinance provides three possible grounds for approval of a modification: Equal or Better Performance, Physical Constraints, Other Constraints. On January 4, 2005 the TRC denied the modification (and approval of the preliminary subdivision plat) because it found the plat did not meet any of the three grounds for a modification. This decision was made based on the findings that the applicant, under "Grounds #1" was not offering any alternate path for pedestrians that would function as well or better than the required sidewalk, and under "Grounds #2" and "Grounds #3" did not have any constraints present that would prevent him from installing the sidewalk.

Chair Downs asked if there was anyone present to speak on this matter.

William Linnane, Linnane Construction Company, stated that he has been buying scattered lots throughout the city over the past 20 years and building new homes. The areas he has targeted are in need of revitalization and his client base is low income, first time home buyers. There currently are no plans by the City to run sidewalks down Ardmore Street. He explained the impact of the sidewalk construction cost in terms of higher price of the homes to be built and emphasized that some would-be buyers could not afford that price increase.

Mr. Rhodes said that he feels that the public would be better served if Mr. Linnane invested the monies necessary to install the sidewalks.

There was no one else to speak on the request.

In response to a question by Chair Downs, Mr. Galanti gave further explanation of the three criteria for a modification.

Mr. Bryson said he was very much in favor of approval, due to the housing affordability issue.

Mr. McIntyre moved to deny the modification of the sidewalk requirement, seconded by Mr. Rhodes. The Board voted 5-1 in favor of the motion. (Ayes: Downs, McIntyre, Koonce, Rhodes, Marks. Nays: Bryson.)

ANNEXATION PETITIONS:

A. PROPERTY OF VELMA H. LOY AT 157 FLEMINGFIELD ROAD – 44.33-ACRE CONTIGUOUS ANNEXATION. (RECOMMENDED)

Alec MacIntosh stated this property abuts the primary city limits on its west side, which adjoins the east property line of the Kmart Distribution Center. The property is within the Tier 1 Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. It is now occupied by two single family homes. The requested zoning would allow single family and multifamily at an overall density of 5.5-6.5 dwelling units per acre. There is a 12-inch water line in Burlington Road, from which the developer would have to extend a water line up Flemingfield Road to serve the property. An existing 12-inch sewer outfall runs through the southeast corner of the property, and the property drains toward that outfall. Because City vehicles would have to drive through some unannexed property to reach this property, the provision of most City services would be comparable to their provision to a satellite annexation and involve about 0.4 mile of additional travel beyond the previous satellite annexations along Burlington Road. The Police Department estimates that, at full buildout, 0.13 additional officers will be needed to serve this area. The TRC recommends the annexation.

Chair Downs asked if there was anyone present to speak to this request and no one came forward.

Mr. Rhodes moved to recommend the annexation to City Council, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Marks, Koonce, Bryson and Rhodes. Nays: None.)

B. PROPERTIES OF ELIZABETH J. BROOKS; SHATONIE LYNETTE REAVES; HELEN S. CHANCE, HEIRS; HOWARD AND GINA KAUFMAN; CHARLES F. ROYSTER, III AND DONNA C. ROYSTER; AND JOHN W. BARTLETT AND JUDITH HAUGHEE-BARTLETT AT FLEMING ROAD AND CHANCE ROAD – 63.76-ACRE CONTIGUOUS ANNEXATION. (RECOMMENDED)

Mr. MacIntosh stated that this property abuts the primary city limits on its east and south sides. The east side adjoins Huntington subdivision, and the south side adjoins a connector street to be constructed between Fleming Road and Horse Pen Creek Road. The property is within the Tier 1 Growth Area. It is occupied by a few houses along Chance Road. The requested rezoning would allow up to 190,000 square feet of retail, 175,000 square feet of office/corporate space, and 160 for-sale residential units. The developer of McAlister Place Townhomes just to the south is extending a water line up Fleming Road to the south line of this annexation. There is also an 8-inch water line stubbed to the eastern property line. There is an existing 8-inch sewer outfall (scheduled for upgrading to 18-inch) alongside the eastern line of this property, and this property drains toward it.

The Police Department estimates that, at full buildout, 0.22 additional officers will be needed to serve this area. The provision of other City services would be comparable to their provision to the townhouse development immediately to the south. The TRC recommends the annexation.

Chair Downs asked if there was anyone present to speak to this request.

Charlie Melvin, 300 N. Greene Street, stated that the applicants have met with property owners and come up with this plan of development for this area. The rezoning proposed would be Conditional District Planned Development Mixed which offers a broad flexibility in the types of uses in the different areas.

Mr. Bryson moved to recommend the annexation to City Council, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Marks, Koonce, Bryson and Rhodes. Nays: None.)

C. PROPERTIES OF RUSSELL H. AND DORIS D. RICH; MURRILL W. RICH; CARL R. RICH; LOIS R. HARRIS; AND LARRY TODD ANDREWS, TAMMIE ANDREWS NICHOLS, AND AMY E. ANDREWS ON EAST LEE STREET, TOGETHER WITH PROPERTY OF THE NC DEPARTMENT OF TRANSPORTATION ASSOCIATED WITH THE NEW I-85 NORTHEASTWARD TO THE SATELLITE CITY LIMITS AT MCCONNELL ROAD AND SOUTHWESTWARD TO A STREAM CROSSING UNDER NEW I-85 EAST OF THE SOUTH ELM-EUGENE STREET INTERCHANGE – 596-ACRE SATELLITE ANNEXATION. (RECOMMENDED)

Mr. MacIntosh stated that this annexation petition was submitted by owners of property south of E. Lee Street and north of new Interstate 85. In a satellite annexation, petitioners may add into the petition adjoining property that is tax exempt; in this instance, the NCDOT property acquired for Interstate 85 alongside their properties and northeastward to McConnell Road so as to link up to a previous satellite annexation and southwestward to just east of the I-85-South Elm-Eugene Street interchange. If it desires, the Board can make separate recommendations on the petitioners' property and the NCDOT's tax-exempt property. The petitioners' property is 2.0 miles from the primary city limits and just over a mile from three previous satellite annexations. It is proposed to be developed as a mix of single family and townhouses, with a maximum of 198 dwelling units. It is within the Tier 1 Growth Area. There are 8 inch City water lines in E. Lee Street about 750 feet east

and about 1,350 feet west of this property, and the developer would need to install water line to connect these. There is an 8 inch dry sewer line running under new I-85. The developer would need to run additional sewer line south of I-85 for about 1,100 feet eastward to connect the dry line to a 24-inch outfall along Little Alamance Creek.

The Police Department estimates that, at full buildout, 0.55 additional officers will be needed to serve the private property and the Interstate. Of that, it is estimated that about 115 man-hours would be needed immediately concerning crash investigations on the Interstate. Inclusion of the Interstate also would put additional pressure on the Fire Department, as alluded to in the Department's comments regarding the recently-approved satellite annexation northeast of here. On the plus side, inclusion of the Interstate should hasten the day when this and other nearby satellite annexations become part of the primary city limits and therefore make it easier to proceed with both city-initiated annexations and additional petitioned annexations on this side of town. There is a substantial number of utility agreement and annexation petitions already received north and northeast of this annexation request and the prospect of several more arriving in the near future. The TRC recommends this annexation.

Chair Downs asked if there was anyone present to speak to this request, but no one came forward.

In response to Board questions, Paul Brooks, Greensboro Fire Department, stated that additional pressure would come from traffic accidents and spills from carriers of commercial products, such as hazardous material spills.

Mr. Rhodes moved to recommend the annexation, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Marks, Koonce, Bryson and Rhodes. Nays: None.)

PRESENTATION BY THE FIRE DEPARTMENT:

Paul Brooks, Greensboro Fire Department, described the methodology the Department uses to evaluate service demand and to make their future plans to provide services to additional areas as the city grows. They work very closely with the Planning staff, meeting on a monthly basis discussing growth issues. There are several things that impact what types of services are required of the Fire Department and what types of resources they have to deploy to deal with them. They provide fire protection to residential and commercial properties, Emergency Medical Response and First Responder Advanced Life Care, so they are the first line of defense in the case of a cardiac arrest until more advanced medical care arrives on the scene. In response to what drives the different types of service levels there are several factors involved; insurance ratings, resource distribution, a fire accreditation body, OSHA standards. He presented a handout with more information and made a detailed outline on the factors involved.

Chair Downs encouraged the Fire Department to send up yellow and red flags when they are appropriate, because that is what this Board and the people who live in these communities would like to see done. He thanked Mr. Hails for arranging for this presentation.

ITEMS FROM THE DEPARTMENT:

A. PUBLIC WORKSHOPS ON PROPOSED COLLECTOR STREET PLAN.

Mr. MacIntosh presented handouts concerning the collector street plan workshops. County staff and City GDOT staff have been working to develop a plan covering the Greensboro Metropolitan

Planning Organization area. They are working on coming up with a network of collector streets to flesh out the thoroughfare plan and have these streets mapped so that when a subdivision comes in that is in the path, the proposed street will already be identified on it's official plan.

ITEMS FROM BOARD MEMBERS:**A. COMMENTS FROM MEMBERS ON POSSIBLE MERGER OF THE PLANNING BOARD AND ZONING COMMISSION.**

Mr. Hails stated that the City Council has asked that this issue be revisited. A survey of other cities has been done to determine the way they handle their Zoning and Planning meetings. All the jurisdictions contacted have some type of combined commission. Some have separate committees that meet monthly and separately to conduct business, and they may have a brief monthly meeting of the full commission on certain items. Some of the others have combined meetings. Others have their public hearings held with City Council and the Planning Commission meeting together, and then a week or two later the Planning Commission deliberates and makes their recommendation, and a week or two after that the elected officials receive a recommendation and make their decision. Some have afternoon and evening meetings. Some have one meeting per month and others have as many as three meetings per month.

Chair Downs stated that one of his concerns is the fundamentally different purposes between the Planning Board and the Zoning Commission, one dealing with long-range problematic ordinance - implementing provisions and the other conducting more regulatory project-based reviews. He feels merger would lead to a lag period where you will lose members from both boards who have expertise that has accumulated through time.

Mr. Rhodes stated that there are such marked differences between the Board and the Commission. The output most important in comparing different board arrangements is their impact on the citizens of Greensboro.

Mr. Marks stated that the handout from staff for the joint meeting was very helpful for both the Board and the Commission members in directing their focus. He is concerned about the time issue, especially if there are two or three meetings each month. He hopes the Council will give the process a little time, and there should not be a sense of urgency.

Mr. McIntyre asked if the survey included compensation questions.

Mr. Hails stated that Durham is the only Commission that pays anything and they pay \$25.00 per month.

Mr. McIntyre stated that he feels that this Board could address more responsibilities and feels that there could be more improvements in that area.

Mr. Bryson said he still has a lot of people asking why this Board's meetings are not televised. Mr. Hails stated that he has only heard that it is a budget issue. There is a certain commitment of resources to take a group and televise it. Mr. Bryson said that some people feel that they are not being informed and the information concerning this Board is not readily available to the citizens. Mr. Hails said he would be glad relay that comment. Mr. Rhodes stated he feels it is important to better inform the citizens of what is going on in the City and especially in their particular neighborhood.

Mr. Koonce asked if the Board and Commission are merged, how many volunteers would make up the new Board. Mr. Hails stated that it would be up to the Council and there are usually 7 to 9 members. Mr. Koonce stated he feels it would be a disadvantage to the citizens if there is a merging of the Board and Commission as a lot of input from the selected members will be lost and if the numbers are reduced that expertise will be lost. He is opposed to the merger.

Chair Downs stated that he feels that land use matters have a higher order of prominence and the public would be well served by being better informed by what goes on in the Planning Board.

Mr. Rhodes stated that there are a number of senior citizens who would benefit from a televised meeting of the Planning Board as many are unable to attend the meetings.

Mr. Hails stated that the Land Development Ordinance (LDO) rewrite will kick off soon. The Board members will be notified when dates are determined.

APPROVAL OF ABSENCES:

Mr. Bryson moved the approval of the absences of Dick Hall, Alan Pike and Mike Fox, seconded by Mr. Koonce. The Board voted 6-0 in favor of the motion. (Ayes: Downs, Rhodes, Marks, McIntyre, Koonce and Bryson. Nays: None.)

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There being no further business before the Board, the meeting was adjourned at 4:22 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

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